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**REMARKS**

The present Amendment amends claims 18-27. Therefore, the present application has pending claims 18-27.

Applicants' Attorney, the undersigned, respectfully request that the Examiner contact Applicants' Attorney by telephone so as to discuss the outstanding issues of the present application prior to examination.

Claims 20, 22 and 24 stand objected to due to informalities noted by the Examiner in paragraph 1 of the Office Action. Amendments were made to claims 20, 22 and 24 to correct the informalities noted by the Examiner. Therefore, this objection is overcome and should be withdrawn.

Claims 26 and 27 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Various amendments were made throughout claims 26 and 27 to bring them into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Specifically, amendments were made throughout claims 26 and 27 to overcome the objections noted by the Examiner in paragraphs 2 and 3 of the Office Action.

The Examiner's cooperation is respectfully requested to contact Applicants' Attorney by telephone should any further indefinite matter be discovered so that appropriate amendments may be made.

Claims 18-26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 3

of prior U.S. Patent No. 6,393,013 in view of Chang (article entitled "A Multiple Access Technique for Cellular Packet Networks with Admission Control"); claims 18-24 and 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 7-14, 20-22, 25 and 28 of prior U.S. Patent No. 6,269,088 in view of Chang; and claims 18-24 and 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5 and 9 of prior U.S. Patent No. 6,570,865 in view of Chang. Applicants do not agree with these rejections. However, in order to expedite prosecution of the present application filed on even date is a Terminal Disclaimer obviating these rejections. Therefore, reconsideration and withdrawal of these rejections is respectfully requested

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants' part that the features recited in the claims are taught or suggested by the claims of the prior patents in combination with Chang. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Claims 18-23 stand rejected under 35 USC §103(a) as being unpatentable over Amitay (U.S. Patent No. 5,371,780) in view of Chang. This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 18-23 are not taught or suggested by Amitay or Chang whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Claims 18-23 were amended so as to more clearly describe that the present invention is directed to a system including a base station and a plurality of terminals, the base station and the terminals themselves.

According to the present invention the system includes a base station, a plurality of terminals, and a reservation channel and a traffic channel formed between the base station and the terminals in accordance with a code division multiple access (CDMA) scheme in radio channels.

Further, according to the present invention a terminal having a request for data transmission transmits a reservation packet onto said reservation channel at arbitrary timing, and the base station generates a busy tone signal in accordance with traffic channel utilization state information which indicates a state of communications on said traffic channel to control transmission of reservation packets on the reservation channel from the terminals. Each of the terminals makes references to the busy tone signal to control transmission of a reservation packet.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention now more clearly recited in the claims are not taught or suggested by Amitay and Chang whether taken individually or in combination with each other or any of the other references of record.

Amitay teaches a system having a base station and a plurality of terminals wherein each terminal can request data transmission by transmitting a reservation packet. However, as recognized by the Examiner at no point is

there any teaching or suggestion in Amitay of the generation of a busy tone signal to control transmission of reservation packets from the terminals and that the busy tone signal is generated using information regarding the condition of traffic on a traffic channel so as to control the transmission of reservation packets on a reservation channel as in the present invention as recited in the claims. This is done according to the present invention, even though the monitoring is of packets on one channel entirely different from the reservation packets on another channel, so as not to overload the capacity of the base station. Attention is directed to Fig. 14 of the present application for a graphical explanation of these features of the present invention. These features of the present invention as recited in the claims are clearly not taught or suggested by Amitay.

The Examiner recognizing the above described deficiencies of Amitay attempts to supply such deficiencies with Chang. However, it appears that the Examiner has completely mis-described the teachings in Chang.

In Chang, the busy tone signal is used to control transmission of packets in general but not specifically in a situation where a reservation packet is transmitted from a terminal in advance to data transmission and the base station transmits a reply packet in response as in the present invention. In Chang, there is no teaching or suggestion that a busy tone signal is used to control transmission of reservation packets as oppose to other packets and that the busy tone signal is generated using information regarding the condition of traffic on a traffic channel so as to control the transmission of reservation packets on a reservation channel as in the present invention as recited in the claims. As described above this is done according to the

present invention, even though the monitoring is of packets on one channel entirely different from the reservation packets on another channel, so as not to overload the capacity of the base station. Accordingly, Chang fails to teach or suggest the same features of the present invention as recited in the claims as Amitay and as such combining Amitay and Chnag in the manner suggested by the Examiner in the Office Action still fails to teach or suggest the features of the present invention as recited in the claims.

Thus, both Amitay and Chang fail to teach or suggest that a terminal having a request for data transmission transmits a reservation packet onto said reservation channel at arbitrary timing and that the base station generates a busy tone signal in accordance with traffic channel utilization state information which indicates a state of communications on the traffic channel to control transmission of reservation packets on the reservation channel from the terminals as recited in the claims.

Further, both Amitay and Chang fail to teach or suggest that each of the terminals makes references to the busy tone signal to control transmission of a reservation packet as recited in the claims.

Therefore, since both Amitay and Chang suffer from the same deficiencies relative to the features of the present invention as now more clearly recited in the claims, combining Amitay and Chang in the manner suggested by the Examiner in the Office Action still fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 18-23 as being unpatentable over Amitay in view of Chang is respectfully requested.

Applicants note that the Examiner did not reject claims 24-27 based on prior art. Thus, amending claims 24-27 to overcome the objections to the claims and the rejection of the claims under 35 USC 112 and the filing of the Terminal Disclaimer place these claims in condition for allowance. Therefore, an early indication that claims 24-27 are allowable over the prior art of record is respectfully requested.

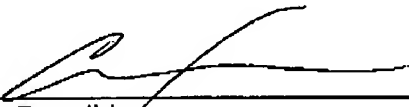
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 18-23.

In view of the foregoing amendments and remarks, applicants submit that claims 18-27 are in condition for allowance. Accordingly, early allowance of claims 18-27 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.34763CX4).

Respectfully submitted,

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